

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CUSTOMER NO. 22927****COPY**

Applicants: Packes, Jr., et al.
Application No.: 09/930,717
Filed: August 15, 2001
Title: SYSTEM AND METHOD FOR AUTOMATED PLAY OF LOTTERY GAMES
Attorney Docket No.: 00-065
Group Art Unit: 3721
Examiner: PARADISO, John
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AMENDMENT and RESPONSE**to the Non-Final Office Action Mailed September 23, 2004 (Paper No. 09192004)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Non-Final Office Action mailed September 23, 2004 (Paper No. 09192004), consideration of the following remarks is respectfully requested.

This document is filed by Applicants' representative on behalf of the present Applicants for patent. Accordingly, references in this document to "we," "us," "our," and the like will be understood as indicating the present Applicants.

AMENDMENTS to the CLAIMS.

1 – 31. (CANCELED)

32. (CURRENTLY AMENDED) A method comprising:

receiving from a player at least one preference for delivery of game outcomes;

storing an indication of the at least one preference for delivery in a database;
determining a plurality of game outcomes;

retrieving the at least one preference for delivery from the database; and
in accordance with the at least one preference for delivery of game outcomes, transmitting the plurality of game outcomes to a communication device that is associated with the player.

33. (PREVIOUSLY PRESENTED) The method of claim 32, further comprising:

receiving from the player a preference for revealing game outcomes; and
revealing at least one of the plurality of game outcomes via the communication device in accordance with the preference for revealing game outcomes.

34. (PREVIOUSLY PRESENTED) The method of claim 32, further comprising:

revealing at least one of the plurality of game outcomes via the communication device in response to a signal from a lottery server.

35. (PREVIOUSLY PRESENTED) The method of claim 32, in which transmitting the plurality of game outcomes to the communication device that is associated with the player in accordance with the at least one preference for delivery of game outcomes comprises:

transmitting a first game outcome to the communication device; and

transmitting a second game outcome to the communication device a predetermined period of time after transmitting the first game outcome.

36. (PREVIOUSLY PRESENTED) The method of claim 35, in which no request for delivery of the second game outcome is received from the player after the first game outcome is transmitted.

37. (PREVIOUSLY PRESENTED) The method of claim 32, in which transmitting the plurality of game outcomes to the communication device that is associated with the player in accordance with the at least one preference for delivery of game outcomes comprises:

automatically transmitting at least one of the plurality of game outcomes to the communication device in accordance with a schedule.

38. (CANCELLED)

39. (NEW) A method comprising:
- receiving a request by a player to purchase a plurality of lottery game outcomes;
- receiving at least one selection by the player for how lottery game outcomes are delivered to the player,
- in which each selection comprises at least one of the following:
- an indication of a time of day to provide a lottery game outcome to the player,
- an indication of a number of a cellular telephone,
- an indication of a period of time between delivery of lottery game outcomes, and
- an indication of an e-mail address;
- determining a first lottery game outcome;
- communicating the first lottery game outcome to the player in accordance with the at least one selection for how lottery game outcomes are delivered to the player; and
- updating a credit balance associated with the player based on the first lottery game outcome.

40. (NEW) A method comprising:
- receiving a request to provide a plurality of lottery game outcomes to a communication device of a player;
 - receiving from the communication device at least one parameter for providing lottery game outcomes to the player,
 - the at least one parameter including a preference for delivery of the lottery game outcomes to the communication device;
 - determining a first lottery game outcome; and
 - transmitting the first lottery game outcome to the communication device accordance with the preference for delivery of the lottery game outcomes.
41. (NEW) The method of claim 40 in which the preference for delivery comprises at least one time of day at which to provide a lottery game outcome.
42. (NEW) The method of claim 40 in which the preference for delivery comprises a period of time between providing lottery game outcomes.
43. (NEW) The method of claim 42, further comprising:
- automatically transmitting a second lottery game outcome to the communication device after the period of time has passed since transmitting the first lottery game outcome.
44. (NEW) The method of claim 40 wherein the preference for delivery comprises a format for outputting the lottery game outcomes at the communication device.

45. (NEW) The method of claim 40 wherein the preference for delivery comprises a network address.
46. (NEW) The method of claim 45, wherein the network address comprises at least one of:
 - an e-mail address, and
 - a telephone number.
47. (NEW) The method of claim 40, wherein the lottery game outcomes comprise predetermined outcomes.
48. (NEW) The method of claim 40, wherein the lottery game outcomes comprise random outcomes.

REMARKS

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **32-37 and 39-48** will be pending (16 total claims)
- Claims **31, 32 and 38** will be the only independent claims (3 independent claims)

Section 102(b) Rejections

Claims **31-38** stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,871,398 issued to Schneier et al. ("Schneier"). We respectfully traverse the Examiner's Section 102(b) rejections.

Although we do not necessarily agree with the Examiner's rejection, independent Claims 31 and 38 have been cancelled. We reserve the right to pursue the subject matter of claims 31 and 38 in a continuing application.

Although we do not necessarily agree with the Examiner's rejection, we have amended independent Claim **32** to recite features of:

- storing an indication of the at least one preference for delivery in a database
- retrieving the at least one preference for delivery from the database

We submit that Schneier does not suggest storing an indication of a preference for delivery in a database, much less retrieving such a preference from a database.

In contrast, some embodiments of the present invention provide for storing an indication of a preference for delivery (and various other types of play options) in a database (e.g., corresponding to a player).

We are not certain exactly what portion of Schneier the Examiner believes suggests an indication of a preference for delivery. Specifically, it is not clear how "payment for each lottery ticket" (see Office Action, page 2) indicates anything about how a player would prefer to have outcomes delivered to him.

Nonetheless, we submit that Claim **32** (and Claims 33-37 dependent therefrom) are allowable over Schneier.

New Claims 39-48 Contain Allowable Subject Matter

None of the cited references suggest that a player may indicate a preference for how outcomes of lottery games are delivered to the player. In contrast, various embodiments of the present invention allow a player to indicate how he would like lottery information to be delivered (*e.g.*, to a communication device associated with the player). None of the references even hints at the desirability of allowing a player to indicate how he would like determined outcomes delivered to him. Accordingly, no combination of the cited references suggests any of the following features:

- *receiving at least one selection by the player for how lottery game outcomes are delivered to the player, in which each selection comprises at least one of the following:*
 - *an indication of a time of day to provide a lottery game outcome to the player,*
 - *an indication of a number of a cellular telephone,*
 - *an indication of a period of time between delivery of lottery game outcomes, and*
 - *an indication of an e-mail address;*
- *communicating the first lottery game outcome to the player in accordance with the at least one selection for how lottery game outcomes are delivered to the player*

as recited in new independent Claim 39; or

- *receiving from the communication device at least one parameter for providing lottery game outcomes to the player,*
 - *the at least one parameter including a preference for delivery of the lottery game outcomes to the communication device*
- *transmitting the first lottery game outcome to the communication device in accordance with the preference for delivery of the lottery game outcomes.*

as recited in new independent Claim 48.

New claims **41-48** depend from Claim **40** and are believed to be allowable for the same reasons as Claim **40**.

Accordingly, we submit that each of new Claims **39-48** contains allowable subject matter.

Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

December 23, 2004
Date



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